IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2734 OF 2005

Imran Shaffi Shaikh .. Applicant.
Vs.
The State of Maharashtra .. Respondent.

Smt.Pranali Kakade for the applicant.
Mrs.Mankunwar Desmukh A.P.P. for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 11th August, 2005

P.C.:

. Heard learned counsel for the parties.

2. This is the third application for bail. The first application bearing Criminal Application No.2359 of 2004 was rejected vide order dated 17.6.2004. The second application bearing Criminal Application No.5330 of 2004 was dismissed as withdrawn vide order dated 22.2.2005. That order reads as follows:

> . "Heard Mr.Kocheta, learned counsel for the applicant and Mr.Mirza, learned A.P.P. for the respondent.
>
> . Mr.Kocheta, learned counsel for the applicant after arguing this application for sometime and having realised that I was not inclined to enlarge the applicant on bail, prayed for withdrawal of this application. I was not inclined to enlarge the applicant on bail mainly on the ground that the order

> dated 17th June, 2004 by which his earlier application was rejected was not brought to the notice of another bench which considered application of co-accused on 20.10.2004. The application is, accordingly, dismissed as withdrawn."

3. Smt.Pranali Kakade, learned counsel for the applicant pressed this application on two grounds. Firstly, that all the co-accused have been released on bail and, therefore, the applicant is entitled for bail on parity and secondly, the accused is in custody since September 2003 and the trial is not likely to begin immediately and, therefore, he may be released on bail. I perused the orders passed by the Sessions Court by which co-accused Inder and Afzal have been released on bail. It is clear from those orders that the order dated 17th June, 2004 passed by this court in Criminal Application No.2359 of 2004 filed by the present applicant was not brought to notice of the Sessions Court. On the same ground the second application (Criminal Application No.5330 of 2004) was not entertained by me and was dismissed as withdrawn. In view of that I am not inclined to grant this application for bail on parity. Hence the application is rejected. Keeping in view the peculiar facts and circumstances of this case the trial Court shall endeavour to complete the trial as expeditiously as possible and preferrably within a

period of six months from the date of production of this order before that Court. If for any reason the trial does not begin within aforestated period it is open for the applicant to apply for bail afresh before this Court.

4. The application is, accordingly, disposed of.

(D.B.Bhosale, J.)